



Joseph E. Kernan
Governor

Lori F. Kaplan
Commissioner

February 2, 2004

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
(317) 232-8603
(800) 451-6027
www.in.gov/idem

TO: Interested Parties / Applicant

RE: United States Gypsum Company / 101-16383-00001

FROM: Paul Dubenetzky
Chief, Permits Branch
Office of Air Quality

Notice of Decision: Section 112(j) Applicability Determination

Please be advised that on behalf of the Commissioner of the Department of Environmental Management, I have issued a decision regarding the enclosed matter. Pursuant to IC 4-21.5-3-5(f) this order is effective fifteen (15) days after it is served. When served by U.S. mail, the order is effective eighteen (18) calendar days from the mailing of this notice pursuant to IC 4-21.5-3-2(e).

If you wish to challenge this decision, IC 4-21.5-3-7 requires that you file a petition for administrative review. This petition may include a request for a stay of effectiveness and must be submitted to the Office of Environmental Adjudication, 100 North Senate Avenue, Room 1049, Indianapolis, IN 46204, **within eighteen (18) calendar days of the mailing of this notice**. The filing of a petition for administrative review is complete on the earliest of the following dates that apply to the filing:

- (1) the date the document is delivered to the Office of Environmental Adjudication (OEA);
- (2) the date of the postmark on the envelope containing the document, if the document is mailed to OEA by U.S. mail; or
- (3) the date on which the document is deposited with a private carrier, as shown by receipt issued by the carrier, if the document is sent to the OEA by private carrier.

The petition must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision or otherwise entitled to review by law. Please identify the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, date of this notice and all of the following:

- (1) the name and address of the person making the request;
- (2) the interest of the person making the request;
- (3) identification of any persons represented by the person making the request;
- (4) the reasons with particularity, for the request;
- (5) the issues, with particularity, proposed for consideration at any hearing; and
- (6) identification of the terms and conditions which, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing documents of the type issued by the Commissioner.

If you have technical questions regarding the enclosed documents, please contact the Office of Air Quality, Permits Branch at (317) 233-0178. Callers from within Indiana may call toll-free at 1-800-451-6027, ext. 3-0178.

Enclosure
FN-112jdet.dot 9/16/03



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live.

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February 2, 2004

John E. Jones 61-50 DW
United States Gypsum Company
P.O. Box 1377
Shoals, IN 47581-1377

Re: Response to Review Request No. 16383:
 Section 112(j) Applicability Determination
 Plant ID: 101-00001

Dear Mr. Jones:

United States Gypsum Company, located at End of State Highway 650 in Shoals, Indiana, submitted a request for an applicability determination regarding the requirements of Section 112(j) of the Clean Air Act (CAA) on May 6, 2002. The letter was submitted in accordance with 40 CFR 63.52(d)(1) and requested that the Indiana Department of Environmental Management, Office of Air Quality (IDEM, OAQ) determine if United States Gypsum Company is subject to the requirements of Section 112(j) (40 CFR 63.50 through 63.56) for the Industrial, Commercial, & Institutional Boilers and Process Heaters source category.

Pursuant to 40 CFR 63.50, the requirements of Section 112(j) will apply only if your entire source is a major source of hazardous air pollutants (HAPs) and one or more of your processes or emissions units belong in a category or subcategory for which the United States Environmental Protection Agency (U.S. EPA) has failed to promulgate an emission standard on or before the Section 112(j) deadline. IDEM, OAQ has determined that your source is not subject to Section 112(j) for the Industrial, Commercial, & Institutional Boilers and Process Heaters source category. An explanation of this determination is provided below.

The information submitted in the Part 1 MACT Application did not indicate whether United States Gypsum Company is or is not a major source of HAPs. The Title V permit for United States Gypsum Company, T101-7691-00001, issued on May 24, 1999, indicates that the source is not a major source of HAPs. A renewal application for this source was received on August 8, 2003 and given the following permit tracking number: T101-17814-00001. Since United States Gypsum Company is not a major source of HAPs, the source does not meet both applicability criteria of 40 CFR 63.50; therefore, United States Gypsum Company is not subject to the requirements of Section 112(j). IDEM, OAQ is issuing this letter pursuant to 40 CFR 63.52(e)(2)(i) to notify United States Gypsum Company that the requirements of Section 112(j) do not apply and no further action is necessary.

If U.S. EPA promulgates a final MACT standard prior to IDEM, OAQ issuing a permit containing the Section 112(j) determination requirements, a source is no longer subject to Section 112(j) for that source category, including the requirement to submit a Section 112(j) Part 2 MACT Application. A source is still subject to Section 112(j) for any other source categories that do not have promulgated MACT standards.

This determination is based on the information provided by United States Gypsum Company, IDEM, OAQ records, and the information currently available from the U.S. EPA. Note that if additional equipment or capacity is added or operational practices are changed (e.g., switching solvents from a solvent that contains no HAPs to a solvent containing HAPs), the Section 112(j) requirements may be triggered in accordance with 40 CFR 63.52(b). If the events described in 40 CFR 63.52(b) occur at the source, United States Gypsum Company shall submit a Part 1 MACT Application in accordance with the requirements and schedule contained in 40 CFR 63.52(b).

Questions should be directed to Kim Cottrell or Rebecca Mason, IDEM, OAQ, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana, 46206-6015, or call (800) 451-6027, and ask for Kim Cottrell at extension 3-0870 or Rebecca Mason at extension 3-9664, or dial (317) 233-0870 or (317) 233-9664.

Sincerely,

Original Signed by Paul Dubenetzky

Paul Dubenetzky, Chief
Permits Branch
Office of Air Quality

KLC

CC: File – Martin County
Martin County Health Department
Air Compliance – Gene Kelso
Southwest Regional Office
Meteorological Evaluation Services – Pat Brennan
Administration Section
U.S. EPA Region V – Genevieve Damico

Tim C. York
United States Gypsum Company
P.O. Box 1377
Shoals, IN 47581-1377